

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, January 9, 2012

Those Present: Mr. James E. McClellan, Chairman
Mr. Charles R. Cline, Board Member
Mr. Richard E. Zimmerman, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Ms. Kathy L. Vahle, Administrator
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman McClellan.

1. **Casa Rico** – Ms. Vahle stated that there was a request for outside seating for approximately 10 tables. The Board approved this request if they meet all the requirements.
2. **Monkey La La** – Ms. Vahle stated that this establishment would like to use the upstairs space and continue to use the downstairs space the way it is. The Board approved this request if they meet all the requirements.
3. **Frederick Wine Trail** – Ms. Vahle stated the Frederick Wine Trail is requesting that the Board hold April 21 and 22 for their events. The Board approved this request.
4. **Conference** – Mrs. Thall scheduled a conference with Greg Burgee and the Board. There are some general issues they would like to discuss with the Board.
5. Decision Required: Transfer/Upgrade

TRANSFER FROM:

RE: Phuong Khong and Tin
Khong for the use of
Lucky Corner
Vietnamese Restaurant
Inc.

t/a Lucky Corner
Vietnamese Noodles and
Grill
700 N. Market Street
Frederick, MD 21701
Class B, On Sale, Beer Only

TRANSFER TO:

RE: Pha Huynh, Ha Duong
and Trung Huynh for
the use of Lucky Corner
Vietnamese Restaurant,
Inc.
t/a Lucky Corner
Vietnamese Noodles and
Grill
700 N. Market Street
Frederick, MD 21701
Class B, On Sale, Beer and Light Wine

The Board held a hearing for a transfer/upgrade of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Fire Marshal and Health Department approval. Licensee is working on getting the approvals. Inspector stated they are compliant but would like to see their invoices and work schedules kept available at all times.

MOTION ONE: Mr. Zimmerman made a motion for a conditional approval for February 6, 2012.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

6. Decision Required: Transfer

TRANSFER FROM:

RE: Delores Gail Linton,
Larry R. Linton & John
Stone for the use of
Linton/Tabler Inc.
t/a Lintini's Pizzeria
193 C Thomas Johnson
Dr.
Frederick, MD 21702

Class B, On Sale, Beer and Light Wine

TRANSFER TO:

RE: Moynul H. Mozumder,
Rabeya S. Mozumder
and Larry R. Linton
for the use of Krispy
Pizzeria, Inc.
t/a Krispy Pizzeria
193 C Thomas Johnson
Dr.
Frederick, MD 21702

Class B, On Sale, Beer and Light Wine

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Occupancy Permit, Fire Marshal inspection, the Health Department inspection, a copy of the Retail Sales Tax license in the new entity. The licensee stated that they are in the process of obtaining the permits and gave a copy of the Retail Sales Tax license to the Board. The Liquor Inspector stated they are compliant.

MOTION ONE: Mr. Cline made a motion for a conditional approval for February 6, 2012.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

7. Decision Required: New

RE: Jamil Mousa Azat, Mousa
Jamil Azat and Nideen
Jamil Azat for the use of
Milo's LLC
t/a Milo's Casual Dining
81-83 West Main St.
New Market, MD 21774

Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Health Department approval, the Retail Sales Tax license and Certificate of Naturalization. Mr. Azat has applied for a copy of his Certificate of Naturalization, but needs to provide a copy of his passport. Mr. Azat said he would contact the Health Department and will give the Board a copy of the Retail Sales Tax license and a copy of his passport. The Inspector stated they are compliant.

MOTION ONE: Mr. Zimmerman made a motion for a conditional approval for February 27, 2012.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

8. Decision Required: Transfer

TRANSFER FROM:

RE: Meseret Befekadu and
Nuru Befekadu
for the use of Tajitu
Ethiopian Rest., LLC
t/a Tajitu Ethiopian
Restaurant

7 E. Patrick St.
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor

TRANSFER TO:

RE: Irieska D. Caetano,
Angel Gattorno and
Nicholas Caetano for
the use of
Sabor de Cuba Inc.
t/a Sabor de Cuba
7-9 E. Patrick St.
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Fire Marshal inspection and the Bulk Transfer permit. The outgoing licensee needs to give the Board a statement that there is no alcohol left in the restaurant. The Fire Marshal has not yet signed off for this license. The Inspector stated they are compliant.

MOTION ONE: Mr. Cline made a motion for a conditional approval for February 6, 2012.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

9. Decision Required: Violation

RE: Jean P. Snyder & David A.
Snyder
for the use of Enola, Inc
t/a Café Nola
4 E. Patrick Street B
Frederick, Maryland 21701

Class B, On Sale, Beer, Wine & Liquor
License Number 11BL 2067
FCLB Case Number: 5468

The Board held a violation hearing on a charge that on September, 23, 2011 the Inspector found that the outside area approved by the Board did not meet the specific height requirements. Mrs. Thall swore in the licensees and potential witnesses. (See Attached Sign In Sheet). The licensee pled Guilty and stated that the public moved the ropes as they came in and out of the outside area; he has ordered more substantial stands with the ropes.

MOTION ONE: Mr. Cline made a motion for no fine imposed and to keep a record of their violation.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

10. Decision Required: Violation

RE: Thavy El
for the use of Cambodiana,
Inc.
t/a DJ Liquors
1306 W. Patrick Street
Frederick, Maryland 21703
Class A, Off Sale, Beer, Wine & Liquor
License Number 11AL 1062 SU
FCLB Case Number: 4796

The Board held a violation hearing on the following charges:

1. That on August 19, 2010, either directly or through an employee, the licensee sold alcoholic beverages to a minor, Matthew Brian Ballintyn and allowed him to possess alcoholic beverages. 2. The licensee failed to file the renewal license application by March 31, 2011. 3. The licensee failed to pick up

the renewal license by April 29, 2011. Mrs. Thall swore in the licensees and potential witnesses. (See Attached Sign In Sheet). The licensee pled Guilty to all three charges.

MOTION ONE: Mr. Zimmerman made a motion for a fine of \$550 for charges 2 and 3 and a fine of \$450 for charge 1 for a total of \$1,000 fine.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

11. Decision Required: Violation

RE: Kamran Youssefieh, Mansoor
Anvari & Charles Morgan II
for the use of Spring Ridge
Petro, LLC
t/a Spring Ridge Exxon
6067 Spring Ridge Parkway
Frederick, Maryland 21701
Class A, Off Sale, Beer & Light Wine
Sunday Permit
License Number 11AW 1044 SU
FCLB Case Number: 5466

The Board held a violation hearing on a charge that licensee Mansoor Anvari failed to appear for a violaton hearing before the Board that was scheduled for October 3, 2011. Mrs. Thall swore in the licensees and potential witnesses. (See Attached Sign In Sheet). The licensee pled Guilty and stated that the day of the violation hearing his father became sick and he had to go to the hospital for an emergency.

MOTION ONE: Mr. Cline made a motion for the violation to be kept in their file and no fine imposed.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

12. **Conference** – Ms. Vahle asked if there was anyone present for the conference with Greg Burgee. There was no one in attendance. Mrs. Thall stated that a licensee might go into a receivership and Mr. Burgee had asked about the procedure for conducting business if this took place. Article 2B does allow a receiver to step into the shoes of a licensee, but it is silent as to how long this can go on. Due to the fact that they are facing a January 10th deadline for filing an application for transfer, they would like to pick up an application for transfer and start the procedure prior to the end of February. The understanding would be that if they have not been formally appointed as a receiver by the date of the hearing, they could not go forward with the transfer. They would need a formal court appointment. This would need to be completed by February 28, 2012.

13. Decision Required: approval of the Minutes of the Public Meeting for December 12, 2011 to be voted on by the Board.

The Public Meeting Minutes of December 12, 2011 were approved.

MOTION: Mr. Cline made a motion to approve the minutes for December 12, 2011.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**

(Motion Passed)

ADJOURN

The meeting was adjourned at 10:02 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees